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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,199	02/10/2006	Rodolfo Vasone	23520	7818
535	7590	12/01/2009		
K.F. ROSS P.C. 5683 RIVERDALE AVENUE SUITE 203 BOX 900 BRONX, NY 10471-0900			EXAMINER VU, THANH T	
			ART UNIT 2175	PAPER NUMBER
			MAIL DATE 12/01/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/568,199	Applicant(s) VASONE, RODOLFO	
	Examiner THANH T. VU	Art Unit 2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This communication is responsive to Amendment, filed 9/8/2009.

Claims 1-5 are pending in this application. In the Amendment, claims 1-5 were amended.

This action is made Final.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification provides no examples or explanations of the instant application from start to finish instructing one skill in the art of how to construct the instant application without undue experimentation.

In addition, the claims recites subject matters such as “the device has computer program installed in a piece of electronic equipment endowed with a monitor and a device for controlling movement of an icon a display screen that posses an instantaneous menu of search and searches the place of interest of the user in different categories of search, so that, when the user identifies the desired destination, the program generate a three dimensional image showing the shortest and best route to be followed by the user from a point at which the user identifies the desired

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destination to the desired destination along with notes about the shortest trajectory to be covered by means of an object movement.” The subject matters were not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites limitations "the localization of department", "the device", "the place of interest of the user", "the desired destination", "the program", "the desired destination to the desired destination", and "the shortest trajectory". There are insufficient antecedent basis for the limitations in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Kida (US 2006/0092155).

Per claim 1, Kida teaches computer oriented way device by three-dimensional image for facilitation the localization of departments, store, items in exposition, numbered seats and strategic points of great shopping centers, museums, big stores, supermarkets, companies, houses of entertainment, theaters, fairs, events, among others to be located, wherein the device has computer program installed in a piece of electronic equipment endowed with a monitor and a device for controlling movement of an icon a display screen that posses an instantaneous menu of search and searches the place of interest of the user in different categories of search, so that, when the user identifies the desired destination, the program generate a three dimensional image showing the shortest and best route to be followed by the user from a point at which the user identifies the desired destination to the desired destination along with notes about the shortest trajectory to be covered by means of an object movement ([0018]; [0039]; [0043];[00197]; [0209]).

Per claim 2, Kida teaches the computer oriented way device by three-dimensional image according to claim 1, wherein the computer program, in the electronic equipment, execute in real time, illustrating instantaneously where the products, places or items looked by the user are situated (Kida, [0034]; [0043]; [0113]).

Per claim 3, Kida teaches computer oriented way device by three-dimensional image according to claim 1, for where the computer program displayed promotion mechanisms that use audiovisual resources, as a way to call the attention the customers and visitors of the place where the electronic equipment contained in the program is installed (Kida, [008]).

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Per claim 4, Kida teaches computer oriented way device by three-dimensional image according to claim 1, the computer program is freely available for consultation in the world-wide net of computers (Kida, [0098]; [0115]).

Per claim 5, Kida teaches computer oriented way device by three-dimensional image according to claim 1, the computer program is carried on a CD or similar media for free distribution to customers ([0024]).

Response to Arguments

Applicants' arguments in the Amendment have been fully considered but are not persuasive.

The application argues the following: "the system shows an animation simulating the automatic movement from the starting point to the final point without user interference", "the differences between Kida and the instant application as that in the system of this invention does not detect the information from user perspective; all information is already inserted in the system. It does not detect user position like Kida. The search is made initially and it is limited to the starting point to final point, being impossible from the point the user is at to move in several directions of the map or seek objects around the point where the user is at, or his current position, which shows with the Kida system the starting point without change in the position. Unlike Vasome, which has no change in the starting point after chosen", "selected by user until the final point. Unlike Kida which has keywords added to the 3D environment. In Vasone there is no freedom of search and keywords in the environments, unlike Kida", and "the Vasome system does not recalculate the path differently from Kida because the Vasome system

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does not allow user interaction or movement from the starting point after chosen” etc. (see applicants remarks)

The examiner does not agree for the following reasons:

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “the system shows an animation simulating the automatic movement from the starting point to the final point without user interference”, “the differences between Kida and the instant application as that in the system of this invention does not detect the information from user perspective”, “Unlike Vasome, which has no change in the starting point after chosen”, “selected by user until the final point. Unlike Kida which has keywords added to the 3D environment. In Vasone there is no freedom of search and keywords in the environments, unlike Kida”, and “the Vasome system does not recalculate the path differently from Kida because the Vasome system does not allow user interaction or movement from the starting point after chosen”) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **THANH T. VU** whose telephone number is (571)272-4073. The examiner can normally be reached on Mon- Fri 7:00 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William L. Bashore can be reached on (571) 272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thanh T. Vu/

Primary Examiner, Art Unit 2175